



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,359	09/10/2004	Johan Bernard Ubbink	115808-504	5698
29157	7590	03/03/2010	EXAMINER	
K&L Gates LLP			BADR, HAMID R	
P.O. Box 1135				
CHICAGO, IL 60690			ART UNIT	PAPER NUMBER
			1794	
			NOTIFICATION DATE	DELIVERY MODE
			03/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Advisory Action

Applicants' amendment after final rejection filed 2/10/2010 is acknowledged. This amendment is not entered for the following reasons.

1. The amendment to claims 1 and 11 regarding the concentration of the moisture barrier raises issues under 35 U.S.C. 112 first paragraph's description requirement. Claims 1 and 11 recite "a moisture barrier in an amount of about 8% to about 18% of the compacted inner matrix". The specification as originally filed does not support the description "about 8% to about 18%".

1. 2. Claim 11 recites "drying the first preparation to form particles using a drying technique selected from the group consisting of spray drying, fluidized bed drying and combinations thereof, mixing the particles and further components to form a second preparation, drying the second preparation". However, while there is support to mix the microorganisms and further components followed by drying or for mixing the microorganisms and the inert carbohydrate followed by spray drying or fluidized bed drying, this does not appear to provide support to recite mixing the microorganisms and the inert carbohydrate followed by broad disclosure of drying and then adding further components.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMID R. BADR whose telephone number is (571)270-3455. The examiner can normally be reached on M-F, 8:00-5:00.

Art Unit: 1794

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hamid R Badr
Examiner
Art Unit 1794

/Keith D. Hendricks/
Supervisory Patent Examiner, Art Unit 1794